UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

U.S. DIAMOND & GOLD D/B/A
STAFFORD'S JEWELERS, et al.,

                                                                     Case No. C-3-06-371

      Plaintiffs,

                                                                   Judge Thomas M. Rose

-v-

THE JULIUS KLEIN DIAMONDS LLC, et al.,

      Defendants.

SCHEDULING ORDER AND ENTRY AND ORDER GRANTING
PLAINTIFFS' MOTION TO BIFURCATE (Doc. #133) AND
DEFENDANT'S MOTION TO BIFURCATE (Doc. #123)

Pursuant to a telephone conference conducted by the Court on August 5, 2008, the Final

Pretrial Conference in this matter is reset to 9:30 a.m. on August 21, 2008. Attorneys who will

be trying the case must be present in chambers for this conference.

Also, pursuant to the telephone conference, responses to the pending motions in limine

are due not later than August 11, 2008. Replies are due not later than August 15, 2008.

Finally, pursuant to the telephone conference, the pending motions to bifurcate are

granted. The Defendant has moved to bifurcate the trial of the claims in this action into two

stages: a determination of liability and compensatory damages and a determination of liability

for punitive damages and the amount of punitive damages. (Doc. #123.) Likewise, the Plaintiffs

have moved to bifurcate the trial of the counterclaim in this action into the same two stages.

(Doc. #133.) Neither party opposes the other party's motion regarding bifurcation and Ohio law

provides for this bifurcation.

Should either the Plaintiffs or the Defendant obtain a determination of liability and

compensatory damages against the other Party in the first stage of the trial, following a delay of

no longer than 72 hours, the trial of liability for punitive damages will proceed before the same

jury. Evidence that relates solely to the issue of whether a party is entitled to recover punitive or

exemplary damages may not be presented during the first stage of the trial.

      DONE and **ORDERED** in Dayton, Ohio, this Fifth day of August, 2008.

                        s/Thomas M. Rose

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                        THOMAS M. ROSE
                UNITED STATED DISTRICT JUDGE

Copies furnished to:

Counsel of Record